

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

Nos. 6:19-cv-00485 (L), 6:19-cv-00486 (C), 6:19-cv-00487 (C),
6:19-cv-00488 (C), 6:19-cv-00489 (C), 6:19-cv-00490 (C),
6:19-cv-00558 (C), 6:19-cv-00559 (C), 6:19-cv-00560 (C)

Patrick Ealy,

Plaintiff,

v.

Allyson Mitchell, et al.,

Defendants.

Before BARKER, *District Judge*

ORDER

Between October 24, 2019 and November 18, 2019, plaintiff Patrick Ealy, a Texas state inmate proceeding pro se, filed a series of civil rights lawsuits in this court. Plaintiff's cases were consolidated into No. 6:19-cv-485 and referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b).

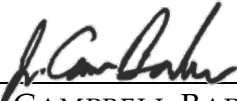
On November 20, 2019, Judge Love entered a report (Doc. 9) recommending that plaintiff's claims be dismissed. First, the report recommended that plaintiff's claims against Judge Deborah Evans, Anderson County district clerks Janice Staples and Teresia Coker, defense attorney Mark Cargill, defense attorney Phil Fletcher, and all damages claims against assistant district attorney Allyson Mitchell be dismissed with prejudice as frivolous and for failure to state a claim upon which relief may be granted. Second, the report recommended that plaintiff's claims against the city of Palestine and any claims for injunctive relief against Allyson Mitchell be dismissed with prejudice as frivolous until plaintiff can show that his convictions at issue have been overturned, expunged, or otherwise set aside. Finally, the report recommended that

plaintiff be warned that further filing of repetitive lawsuits could result in the imposition of sanctions.

Plaintiff filed written objections to the report. Doc. 20. Plaintiff did not, however, file “specific written objections to the proposed findings and recommendations,” as contemplated by Rule 72(b)(2). Instead, he submitted a letter he received from a justice of the peace. In this letter, the justice of the peace informed plaintiff that he was unable to reverse plaintiff’s convictions. Therefore, plaintiff’s objection does not entitle him to de novo review of the magistrate judge’s report.

As to the substance of Judge Love’s findings, the court finds no clear error, abuse of discretion, or legal conclusions contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The court **overrules** plaintiff’s objection and **adopts** the magistrate judge’s report. Plaintiff’s claims against defendants Judge Evans, Staples, Coker, Cargill, Fletcher, and his damages claims against Mitchell are **dismissed with prejudice** as frivolous and for failure to state a claim. Plaintiff’s claims against Palestine and for injunctive relief against Mitchell are **dismissed with prejudice** as frivolous until such time that plaintiff can show his convictions at issue have been overturned, expunged, or otherwise set aside. Finally, the court warns plaintiff that further filing of repetitive lawsuits raising these same allegations will result in the imposition of sanctions.

So ordered by the court on March 6, 2020.



J. CAMPBELL BARKER
United States District Judge